IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1350 OF 1996

Chandrakant Dhondu Mhatre & Anr. .....Appellants

Versus

Special Land Acquisition Officer. .....Respondent

Shri. N.V. Walawalkar for the Appellants.
Shri. A.R. Patil, A.G.P. for the Respondent.

CORAM : ANOOP V. MOHTA, J.

DATE : 20TH DECEMBER, 2005

P.C. :

1. This is an appeal filed by the Claimants and thereby claimed enhancement of compensation under section 18 of the Land Acquisition Act, 1884 (LAR), in respect of lands from village Kamothe, Tq. Panvel, Dist. Raigad. The description of the lands reference is not in dispute.

2. By the impugned judgment, 2nd Additional District Judge, Raigad, Dist. Alibag under reference and based on the date of notification, granted the compensation at Rs.14/- per square meter. The total area of the land is 31460 square meter.

3. Heard learned Counsel for the parties. A Division Bench of Bombay High Court in **First Appeal No.757 of 2003 in The State of Maharashtra Vs. Smt.**

Kamali Keshav Mhatre, decided on 31st March 2004, while considering the similarly situated land acquisition cases of same village and District, observed as under:-

> "Another group of appeals being First Appeal No.382 of 1984 came up before another Division bench of the Court (Shah & Kotwal, JJ) which were disposed of by judgment pronounced between 3.3.1987 and 19.3.1987. The area included Panvel Village, Asudgaon Village, Kamothe Village and Alamboli village."

4. As per the judgment, the land of this village falls within the ambit of third category as observed.

The relevant para is as under :-

> "The third category will include the lands beyond 1500 sq.mt. We fix the market value of these land at Rs.23.5 ps and after deducting 10% and rounding the figure, fix the market value at Rs.21/-."

5. The learned Counsel for the Respondent is unable to dispute this position as mentioned in the judgment referred above.

6. Taking all this into account, there is no reason to discuss further the merits of the matter. Learned Counsel for the Appellant has in fact strongly relied on these observations. In view of this, the present appeal is partly allowed.

7. In view of this, the rate as awarded by the Additional District Judge, Raigad of Rs.14/- per square meter is modified to Rs.23.50ps. However, after deducting 10% and rounding the figure, the

market value should be modified as Rs.21/- per square meter and the award and judgment dated 22nd June, 1994 is modified accordingly with all the consequential benefits under the Land Acquisition Act.

8. The award to be drawn accordingly.

9. No order as to costs.

ANOOP V. MOHTA, J.